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March 11, 2025

The Honorable Yvonne Gonzalez Rogers
Oakland Courthouse, Courtroom 1
1301 Clay Street
Oakland, CA 94612

Re: *Epic Games, Inc. v. Apple Inc.*, No. 20-CV-5640

Your Honor:

I write on behalf of Apple Inc. (“Apple”) in response to the letter of Epic Games, Inc. (“Epic”), filed on March 10. *See* Dkt. 1331.

First, Apple does not object to Epic’s request for an opportunity to respond to Apple’s Proffer of Evidence Relating to Certain Attorney-Client Privilege Designations (Dkt. 1316) by March 17, 2025. If the Court permits Epic to file such a response, Apple will reply by March 24, 2025.

Second, Apple objects to any further briefing on the pending motion to enforce and/or for contempt. Apple provided the “chronolog[y]” requested by the Court, *see* Dkt. 1324, at 6–7, and included a detailed discussion regarding the development of Apple’s Injunction compliance plan in the discussion section of the brief, *see id.* at 10–15. Nowhere did the Court instruct the parties not to address the legal standards for injunction compliance or contempt, or otherwise restrict the content of the parties’ submissions. Indeed, Epic used some of its brief to argue legal issues as well; it simply chose to focus on *different* legal issues from Apple. *See* Dkt. 1326, at 37–40. The parties and the Court agreed on simultaneous briefing, submitted expeditiously so as not to delay resolution of the matter. Both parties decided how to use their allocated 40 pages, and the Court did not request any responsive briefing. There is no basis to change course now. If, however, the Court does permit Epic to file a response, Apple requests the same opportunity.

Third, Apple does not object to Epic’s request for an opportunity to respond to Apple’s Response to Order Regarding Discovery Sanctions (Dkt. 1330) by March 21, 2025. If the Court permits Epic to file such a response, Apple will reply by March 28, 2025.

Fourth, Apple will file its reply in support of the Motion to Strike Portions of Hearing Testimony (Dkt. 1328) within 7 days after any opposition by Epic, as provided in the Local Rules.

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Finally, as Apple indicated in its e-mail response to the courtroom deputy, we do not believe that Local Rule 5-1(g) applies to this evidentiary hearing, as distinguished from a “trial”; and we believe that even if the rule does apply, the exhibits would not be filed on the docket until ten days after the order is entered.

Respectfully submitted,

/s/ Mark A. Perry

Mark Perry

cc: All Counsel CM/ECF